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SUBJECT: KENYA INFORMATION ON FORCED LABOR AND CHILD LABOR IN THE
PRODUCTION OF GOODS FOR MANDATORY CONGRESSIONAL REPORTING
REQUIREMENTS

REF: STATE 43120

¶1. Summary: Forced labor is insignificant in Kenya in the production of manufactured goods. There is virtually no child labor in the formal manufacturing sector. The number of child workers in Kenya dropped by over 47% in five years, from 1.9 million in 1999 to 1 million in December 2005. Over 80% of child labor is in the agriculture and fishing sectors. Less than 3% of working children were in industrial sectors, and less than 15% were in wage employment. Worst forms of child labor in Kenya include coffee, tea, sugar, horticulture, fishing, herding, mining and rock breaking, construction, and craftsman production of household items.
End summary.

Background

¶2. Rumors persist of Asian men being exploited as supervisors or junior management by company owners who hire them from South Asia, hold their passports, and pay less than originally promised, but there has been no substantiation, and such trafficking victims would appear able to free themselves after saving sufficient funds. Forced labor is insignificant in Kenya in the production of goods, but child labor and trafficking in persons remain problems. However, most trafficking for forced labor of children and adults in Kenya is for domestic services and commercial sex work, leaving agriculture as the only productive sector with a significant problem. Although there have been recent allegations that debt bondage is used to exploit Africans from neighboring countries working in Kenya, the magnitude is not yet determined, nor the sectors involved.

¶3. The main causes of child labor and exploitation in Kenya are poverty, HIV/AIDS orphans, unemployment, broken families, drug and alcohol abuse, and the spending power of Kenya's many tourists. The 2006 National Household Survey by the Kenya National Bureau of Statistics Child Labour Analytical Report of June 2006 found the number of children engaged in child labor has declined since January 1999 from 1.9 million to about 1 million in December 2005. Of the 1 million child workers, 49% said they were attending school. Of Kenya's estimated population of 35.5 million people in December 2005, 12.85 million (about 35%) were children aged 5-17 years, with 10.3 million living in the rural areas. About 11.07 million children were attending school, while 1.78 million (13.9%) were not attending school, a large drop from the 3.5 million (32.1%) found out of school in the 1999 survey. The introduction of tuition-free primary education in 2003 is the main cause of the improvement, but extensive programs by the GOK, ILO/IPEC (partly funded by USDOL), the private sector, and NGOs also persuaded parents and employers that children should attend school, not work. On June 2, 2008, President Kibaki claimed the tuition-free secondary education policy raised secondary school enrollment from 1 million students last year to 1.3 million this year, a 30% increase. President Kibaki also announced the government was offering free tuition at all registered youth polytechnics countrywide to provide vocational training.

These initiatives should further reduce the pool of youth vulnerable to child labor, trafficking and exploitation.

¶4. About 90% of working children were found in the rural areas. Rift Valley province had the largest population of working children at about 336,000, followed by Eastern province with about 193,000. Both Rift Valley and Central Province had 10.2% of surveyed children working. Children age 15-17 represented 47.8% of working child, followed by the age 10-14 group at 36.4%, and age 5-9 at 15.8%. A total of 816,521 children (81.3%) were found working in commercial and subsistence agriculture as skilled and unskilled farm, fishery, wildlife and related occupations. In his paper "Agricultural Policies and the Elimination of Child Labour in Kenya" for the June 7, 2007 ILO/IPEC policy forum, University of Nairobi fellow John M. Njoka stated "Child labour in subsistence agriculture is both pervasive and hard to see and tackle." The survey found 29,166 children (2.8% of total) working in industrial sectors including quarrying, construction, garment production, and machinery operators.

¶5. Like in the previous survey, the 2005-06 survey's figure of 1 million working children may be an understatement of the real situation. Of the 1.78 million children not attending school, 1.26 million said they not working, or did not state their working status. It is likely a significant share of the 218,000 (17.3%) age 10-14 children and the 307,346 (24.4%) aged 15-17 were actually engaged in child work or child labor, including herding in the arid and semi-arid areas where schools are often too distant for children of migratory pastoralists.

Worst Forms of Child Labor in Kenya

¶6. The Ministry of Labor has proposed the following activities as worst forms of child labor and notes where they may be occurring:

- MINING AND STONE CRUSHING: Western, Nyanza, Central, Rift Valley, and Coast provinces.
- SAND HARVESTING FROM RIVERS AND SHALLOW PITS: Whole country
- MIRAA (KHAT) PICKING: Eastern province
- THE HERDING OF ANIMALS: Rift valley: Eastern and North Eastern provinces
- BRICK MAKING: Eastern, Nyanza, Central, Western provinces
- WORK IN INDUSTRIAL UNDERTAKINGS, INCLUDING WAREHOUSES: Whole country
- CARPET/ BASKET WEAVING: Sisal growing areas (mainly Coast province)
- BUILDING AND CONSTRUCTION, INCLUDING ROADS AND BRIDGES AND OTHER CIVIL WORKS, DOCKS AND QUAYSIDE: Whole country
- TANNERY: No location specified
- DEEP LAKE AND SEA FISHING: No location specified, but presumably Lake Victoria and the Indian Ocean
- GLASS FACTORY: No location specified
- MATCHES AND FIREWORKS: No location specified
- AGRICULTURE: Whole country. Hazards include: Working with machinery and sharp tools, chemicals, animal kicks and bites, picking crops and loading or ferrying heavy awkward loads of coffee and other farm produce to processing factories or weighing centers, respiratory exposure to coffee dust, snake and insect bites, diseases such as anthrax, musculo-skeletal injuries from repetitive and forceful movements, and lifting and carrying heavy or awkward loads, and hearing loss or impairment due to noisy machinery.

¶7. The analysis by the Statistics Bureau calculates that 14,330 children were engaged in worst forms of child labor in the following risky production sectors: mining, quarrying, stone cutting and

related workers, construction, machinery mechanics, and brewers, distillers, and related workers. However, while the Ministry of Labour listed agriculture and fishing as worst forms of child labor, the survey did not include the over 800,000 children working in those sectors because it could not determine which children were working in hazardous conditions. Including risky service sectors, the study found a total of only 19,542 children engaged in worst forms of child labor in Kenya, a gross understatement of the problem.

Efforts to Eradicate Child Labor in Kenya 1992-2008

18. The GOK began working with the ILO/IPEC in 1992 on programs to reduce child labor based on the realisation that child labor is a development challenge. The existence of large numbers of child workers threatened achievement of the Millennium Development Goals (MDGs), especially on education, poverty reduction and youth employment, and hampered economic growth by perpetuating the existence of unskilled labour force. Many government officials, scholars and development partners devoted significant efforts towards addressing the child labour problem. Over 100 NGOs are currently implementing projects rescuing thousands of children. The establishment of tuition-free primary education in 2003 brought many children under age 14 back into the school system. The ILO and IOM are training and working with the Children's Department, and Ministries of Labor, Youth, Education, and Agriculture on child labor and trafficking policies. In the last 15 years, the age group most affected by child labor has changed from 5-13 year olds to 14-17 year olds.

19. The Government of Kenya's National Development Plan for 2002-2008 recognizes child labor as a problem and calls for an evaluation of the impact of child labor on the individual and the country, as well as its implications on the quality of the future labor force. In February 2006, the government renewed the 3-year mandate for the National Steering Committee on the Elimination of Child Labor. An Inter-Ministerial Coordination Committee on Child Labor chaired by the Vice President is responsible for setting general policy. The Steering Committee worked with stakeholders to draft a national child labor policy in 2006. Although the draft policy was never forwarded to the Cabinet for confirmation, it guided the policies of GOK agencies, donors and NGOs. The 2001 Children's Act, the 2006 Sexual Offences Act, and the 2007 Employment Act provide a basic policy framework.

110. Restrictions by importing countries on the use of child labor and Fair Trade programs offering certification of ethical production led growers of coffee, tea, and other sectors to end child labor from their plantations and then their satellite growers to protect their export markets. At the conclusion of its first plantation project with ILO/IPEC in April 2006, the Federation of Kenyan Employers (FKE) auditors saw significant improvements in sugar, coffee, sisal and tea plantations' implementation of the FKE Code of Practice to prevent child labor. FKE suggested to sugar plantations they extend their child labor prevention program to their contract cane cutters. FKE suggested plantations and contractors provide or support primary schools and day-care facilities to provide alternatives, and pay employees to provide peer education for orphans and vocational training for post-primary children, including domestics. FKE also encouraged education and empowerment for adult women to help them keep their children in school. In early 2006, FKE published a best practices guide for employer interventions to combat child labor in all sectors of the economy. FKE started the second phase of its child labor project with ILO/IPEC in May 2006, focusing on the tourism, sugar, sisal, and coffee sectors. In November 2006, FKE sponsored an ILO/IPEC regional workshop for employers from Ethiopia, Ghana, Kenya, Malawi, Swaziland, Tanzania, Uganda, and Zambia to share experiences, lessons learned and best practices in combating child labor in the agricultural sector. The Rural Employers Association (REA) links all agricultural employers and uses its quarterly meetings to seek out and review information on child labor in all sectors. Since the introduction of tuition free primary education in 2003, the REA has noted a continuous reduction in child labor, even among herders.

111. Under the ILO/IPEC program, the Central Organization of Trade Unions of Kenya (COTU) fought child labor in partnership with the government and FKE by educating workers how child labor undermines

their employment, wages, and bargaining power and encourages rural-to-urban trafficking of children. Unions trained their shop stewards to detect children working in hazardous work, established child labor committees to keep children out of the workplace, and incorporated child labor prevention guidelines in collective bargaining agreements. COTU's member unions play an active role in ILO/IPEC District and Local Child Labor Committees. They organized parents into groups for income generating activities to replace childrens' income and keep them in school.

Sectors and Locations for Worst Forms of Child Labor

¶12. Coffee

Type of exploitation: Child picking of coffee berries to contribute to family income. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources of information: ILO/IPEC, University of Nairobi, Kenyatta University, Association of Media Women in Kenya (AMWIK), the Federation of Kenyan Employers (FKE), and press.

Narrative and Sources: See para 6 for risks associated with agriculture. According to ILO/IPEC, University of Nairobi researchers, and the Federation of Kenyan Employers in 2008, child labor has been largely eradicated in the plantations over the last 15 years, and especially in the last five years, through a combination of free primary education and anti-child labor programs under which plantation management discouraged parents from bringing children to the fields, and provided or supported schools or day care alternatives, sometimes with feeding programs. However, ILO/IPEC, University of Nairobi researchers, and the Association of Media Women in Kenya (AMWIK) believe children continue to pick coffee in Thika, Kiambu, Nyeri and Kirinyaga Districts in Central province during peak seasons on small and family farms to provide family income.

ILO/IPEC Commercial Agriculture Program Officer Wangui Irimu stated at a June 7, 2007 meeting that child labor in commercial agriculture is often invisible, as parents evade company policies by sneaking their children into the plantation to pick, claiming the harvest as their own, and collecting the payment for the childrens' work. In his paper "Agricultural Policies and the Elimination of Child Labour in Kenya" for the June 7, 2007 ILO/IPEC policy forum, University of Nairobi fellow John M. Njoka stated, "The coffee sub-sector is a major employer of children." The bulk of coffee comes from smallholders, and "Most child labour in this sector is invisible."

Incidence of child labor: Undetermined, but believed to have shrunk over the last five years to thousands. An August 5, 2007 article in the Standard newspaper quotes Central Provincial Commissioner Jasper Rugut as stating there are 70,000 school-going children engaged in child labor in the province, most of whom are working in coffee farms and quarries in Thika, Murang'a, Maragua and Nyeri Districts.

Efforts to combat use of children in the production of goods: see para 9.

¶13. Tea

Type of exploitation: Child picking to contribute to family income. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources of information: ILO, University of Nairobi, Kenyatta University, Association of Media Women in Kenya (AMWIK), the Federation of Kenyan Employers (FKE), COTU, and press.

Narrative and sources: See para 6 for risks associated with agriculture. According to the ILO, University of Nairobi researchers, and the Federation of Kenyan Employers in 2008, child labor has been largely eradicated in the plantations over the last 15 years, and especially in the last five years, through a combination of free primary education and anti-child labor programs under which plantation management discouraged parents from bringing children to the fields, and provided or supported schools or day care alternatives, sometimes with feeding programs. However, family farms and small producers still use their children as labor.

The 2007 "Baseline Survey On Children In Commercial Sex In Kenya's Four Towns Of Nairobi, Kisumu, Eldoret & Nyeri," report submitted to ILO/IPEC found that children 10 years and above picked tea year-round in the Nyeri area in Central Province.

In his paper "Agricultural Policies and the Elimination of Child Labour in Kenya" for the June 7, 2007 ILO/IPEC policy forum, University of Nairobi fellow John M. Njoka stated "The participation of children in commercial agriculture could be highly invisible due to the labour enforcement mechanisms adopted following years of activism and work with the plantation owners." At the same event, ILO/IPEC Commercial Agriculture Program Officer Wangui Irimu stated that parents try to evade company policies and increase family income by sneaking their children into the plantation to pick, claiming the harvest as their own, and collecting the payment for the childrens' work. In the discussion, some participants claimed that some local managers may occasionally tolerate the practice.

Incidence: Unknown, but not believed to be significant.

Efforts to combat use of children in the production of goods: see para 9. FKE reports that large producers, millers and marketers hold workshops for small producers to raise awareness about the need to prevent child labor.

14. Fish

Type of exploitation: Fishermen in Nyanza Province on Lake Victoria hire boys to work on their boats. Indian Ocean fishermen in Coast Province may use their children as workers. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions. These children or their families are unable to access tuition-free primary education because they cannot afford uniforms, books, or other schooling costs.

Narrative and Sources: According to the ILO/IPEC, World Vision, CRADLE, the African Network for the Prevention and Protection Against Child Abuse and Neglect (ANPPCAN), the KNBS Child Labour Analytical Report, and University of Nairobi researchers in 2008, poverty in Nyanza Province drives children, especially HIV/AIDS orphans, to work in the fishing industry, either on the boats on the lake, or unloading and marketing the catch on the beaches. The risks include attacks by carnivorous and poisonous fish; decompression illness; rupture of ear drums; death or injury from hooks, nets, and ropes; gastro-intestinal and other diseases.

The 2007 "Baseline Survey On Children In Commercial Sex In Kenya's Four Towns Of Nairobi, Kisumu, Eldoret & Nyeri," report submitted to ILO/IPEC found that children worked at Dunga and Usoma beaches near Kisumu.

According to an April 10, 2006 article in the Standard, Bondo District Commissioner (DC) David Jakaiti received complaints from local leaders that over 100 school-age children were engage in fishing and other manual jobs on the beaches of Usigu Division and ordered chiefs to round up the children and ensure they were taken back to school. Usigu East Councilor Jwenge Okwaro said the children were working on Oele, Ugambe and Nyaudenge beaches for three months, and called for prosecution of the fishermen exploiting children to make more money.

Incidence: In the hundreds or low thousands. The KNBS Child Labour Analytical Report found 637 boys age 10-14 worked in the fishery sector. It is unknown how many fishery workers are among the 270,000 subsistence agriculture and fisheries workers. However, the Lake Victoria fisheries are declining due to other factors. The use of children among Indian Ocean fishermen is thought to be minimal and mainly among families using their own children.

Efforts to combat: See para 9. Both ILO/IPEC and World Vision implemented USDoL funded child labor programs in the area. Working with District officials and other NGOs through the Area Advisory Councils, they organized District and local child labor committees to raise awareness of the problem and rescue children from labor, including the fishing sector of Lake Victoria.

15: Ballast, sand, and gold

Type of exploitation: Hiring children to load or unload sand. Hiring children or using family members to break rocks into gravel. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources and Narrative: ILO, University of Nairobi, Kenyatta University, Solidarity Center, Central Organization of Trade Unions-Kenya (COTU), Africa Now, the Federation of Kenyan Employers (FKE), The Nation, The Standard, the June 2008 Child Labour Analytical Report by the Kenya National Bureau of Statistics (KNBS).

Sand is mined for the construction industry, and unskilled youth are hired as laborers. Children ages 5-17 are hired or used by their families to break rocks with hammers into gravel in small quarries for ballast for road or other construction without any protective gear. The hazards include exposure to harmful dusts such as silica, gas, fumes and extreme humidity and temperature levels; awkward working positions (bending, kneeling, lying); respiratory diseases that which could manifest as silicosis, pulmonary fibrosis, asbestosis, emphysema; musculo-skeletal disorders; fractures and death from falls/cave-ins.

The 2007 "Baseline Survey On Children In Commercial Sex In Kenya's Four Towns Of Nairobi, Kisumu, Eldoret & Nyeri," report submitted to ILO/IPEC found that children collected sand at Usoma near Kisumu in Nyanza Province, and sand and stones from quarries around Nyeri, in Central Province.

An August 31, 2007 article in the Nation indicated that child labor was a problem in the sector when it reported the National Environment Management Authority (NEMA) would require all sand harvesters under the Mining Bill to follow regulations including a minimum age of 18 for sand loaders. The Employment Act of 2007 overtook the Mining bill by setting a minimum age of 18 for hazardous work, including sand mining. An August 5, 2007 article in the Standard newspaper quotes Central Provincial Commissioner Jasper Rugut as stating there are 70,000 school-going children engaged in child labor in the province, most of whom are working in coffee farms and quarries in Thika, Murang'a, Maragua and Nyeri Districts. ILO/IPEC implemented a project between 1994 and 2000 on the elimination of child labor in soapstone in Kisumu District, Nyanza province and believed child labor had been ended in the mines. However, an August 27, 2006 article in the Standard reported that Parliamentary investigators found children mining soapstone at a mine in Tabaka, Gucha District, next to Kisumu. A March 30, 2006 article in the Standard reported that 10 underage prospectors had recently drowned in artisanal gold mines in Kakamega District in Western Province. It was also believed that adults offered payment for gold nuggets from abandoned mines, enticing children to risk their lives.

Incidence: The KNBS Report found 5,474 children working in the mining and quarrying sectors ages 10-17 all over the country. Efforts to combat: See para 9.

16. Horticulture: vegetables and flowers

Type of exploitation: child labor on family farms and children hired by small producers. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources and narrative: ILO, University of Nairobi, Kenyatta University, Flower Council of Kenya, Central Organization of Trade Unions-Kenya (COTU), Africa Now, the Federation of Kenyan Employers (FKE), The Nation, The Standard. See para 6 for risks associated with agriculture. In Central Province, including Kirinyaga District, families and small producers are believed to use child labor to produce beans and other vegetables for export. Flower plantations in Rift Valley and Central Provinces do not use child labor, but some of the small satellite producers from whom they buy product are believed to sometimes use their children as workers. An August 5, 2007 article in the Standard claimed that child rights officials believed horticultural farmers in parts of Kiambu West and East Divisions in Nyeri District have a record of recruiting young boys.

Incidence: unknown

Efforts to combat: See para 9. The Flower Council of Kenya and the Fresh Produce Exporters Association of Kenya (FPEAK) have also

worked with the EU, customers and audit organizations to prevent child labor not only in the commercial plantations, but also in their small satellite producers to retain their access to European markets.

¶17. Sugar

Type of exploitation: contractors hiring and transporting children to work at harvest time. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources and Narrative: ILO/IPEC

University of Nairobi, Kenyatta University, Solidarity Center, Central Organization of Trade Unions-Kenya (COTU), Africa Now, and the Federation of Kenyan Employers (FKE). For the hazards of working in agriculture, see para 6. Sugar is focused mainly in Nyanza and Western Provinces, produced by both plantations and small growers. Labor demand is seasonal, peaking at planting and harvesting. There have been reports that contractors have hired and transported truckloads of children to work at these seasons. ILO/IPEC Commercial Agriculture Program Officer Wangui Irimu stated at a June 7, 2007 meeting that child labor in commercial agriculture is often invisible, as parents evade company policies by sneaking their children into the plantation to pick, claiming the harvest as their own, and collecting the payment for the childrens' work.

Incidence: unknown.

Efforts to combat: Sugar plantations participated in the FKE project with ILO/IPEC to end child labor (para 6) in their own operations, and among their satellite growers.

¶18. Construction of buildings, roads, bridges, etc.

Type of exploitation: trafficking or hiring child laborers who need income. Children receive lower and/or more irregular pay than adults, perform hard work, and work long hours in dangerous conditions.

Sources and Narrative: Association of Media Women in Kenya (AMWIK), Central Organization of Trade Unions-Kenya (COTU), ANPPCAN the June 2008 Child Labour Analytical Report by the Kenya National Bureau of Statistics (KNBS). ANPPCAN's 2006 study on child trafficking in the Africa region found that 14 of the 69 trafficking victims it interviewed said they were employed in construction, security or transport. AMWIK's "Child Breadwinners" included one boy who related that he had worked at construction sites in Nairobi from age 13-17 doing menial tasks including digging trenches, pushing wheelbarrows, and mixing cement and concrete. Hazards in the construction sector include: Being struck by falling objects; stepping on sharp objects; falling from heights; exposure to dust, heat and noise; exposure to high voltage or live electrical equipment; heavy lifting, work over water, with ladders, and in confined spaces; and, structural collapse.

Incidence: The KNBS Report found over 4,000 boys, mostly ages 15-17, working in the construction sector.

Efforts to combat: See para 6.

¶19. Meat

Type of exploitation: Families using their children as herders.

Sources and Narrative: It is widely reported that pastoralist peoples in Kenya's arid and semi-arid regions in Rift valley, Eastern and North Eastern Provinces use their sons to herd the livestock their families depend on for survival. Many families are nomadic, making accessing education very difficult, even when desired. The pastoralists sell animals to slaughterhouses for cash income. The hazard of herding include: injuries from animal kicks and snake bites; pricks from wild thorns trees; and, wounds or death from raiders and rustlers.

Incidence: The KBS report does not break out herding from other agricultural occupations. In Northeastern Province, only 50% of the 500,000 children attend school, the lowest rate in Kenya. Rift Valley Province is the second lowest school attendance rate, at 85%, which represents 500,000 children out of school or unstated. Eastern Province has another 241,000 children out of school or unstated. It is likely that a significant share of the 1 million children not in school in these provinces are engaged in herding.

Efforts to combat: See para 6.

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SLUTZ